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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,623	12/15/2000	Angelo Rizzardi	1999US001	2169

25255 7590 12/03/2003

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EXAMINER

KUMAR, PREETI

ART UNIT PAPER NUMBER

1751

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,623

Applicant(s)

RIZZARDI ET AL.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-38 is/are pending in the application.
- 4a) Of the above claim(s) 33 and 34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 16-30 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 16-38 are pending. Claims 32-38 are newly added.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 16-32, 35-38 drawn to a composition for pre-treating a cellulosic or cellulose blends with synthetic fiber, classified in class 8, subclass 116.1.
 - II. Claims 33-34 drawn to a process for pre-treating a cellulosic or cellulose blends with synthetic fiber, classified in class 252, subclass 102.
3. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the composition as claimed can be used in a materially different process such as in washing dishes in an automatic dishwashing machine.

During a telephone conversation with Scott Hanf on November 24, 2003 a provisional election was made with traverse to prosecute the invention of group I, claims 16-32 and 35-38. Affirmation of this election must be made by applicant in replying to this Office action. Claims 33-34 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Response to Amendment

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4. The rejection of claim 16 under 35 U.S.C. 112, second paragraph is withdrawn in light of applicant's amendment to the claims in paper no.10.

5. The rejection of claims 16-22, 26-28 and 35-38 under 35 U.S.C. 103(a) as being unpatentable over Bragg (US 4,430,243) is maintained for the reasons recited in the previous office action and further explained below.

6. The rejection of claims 29-30 under 35 U.S.C. 103(a) as being unpatentable over Bragg in view of Kravetz et al. (US 4,025,453) is maintained for the reasons recited in the previous office action and further explained below.

7. The rejection of claims 23-25 under 35 U.S.C. 103(a) as being unpatentable over Bragg in view of Chapple et al. (US 5,536,441) is maintained for the reasons recited in the previous office action and further explained below.

Response to Arguments

8. Applicant's arguments filed September 12, 2003 have been fully considered but they are not persuasive. Applicants urge that the concentration of the detergency builder (salt of an organic acid) and hydrogen peroxide claimed in the instant claims are an order of magnitude outside the range of the concentrations taught by Bragg. Specifically, Applicant's urge that it would not have been obvious to one skilled in the art to try concentrations so far removed from the teachings of Bragg.

However, Bragg provide motivation to use a detergency builder in the range now claimed by the instant claim 16. Please see col.11, ln.53 where Bragg teach the utility of magnesium salt added at levels in the range from about 0.015% to about 0.2%.

Regarding the concentration of the peroxygen bleaching agent, Bragg teach about a laundry detergent composition comprising about 5% of a particulate peroxygen bleaching agent. However, in the examples I-XI illustrated in the table in column 15, Bragg et al. provide motivation to one of ordinary skill in the art to use a brightener in general in the range of 0.01 to 0.25%.

Thus, it would have been obvious to one skilled in the art to modify the concentrations of the detergency builder (salt of an organic acid) and hydrogen peroxide because Bragg suggests a bleaching composition comprising the detergency builder (salt of an organic acid) and the hydrogen peroxide in a range encompassed by the material limitations of the instant claims.

Regarding newly added claims 35-38, Bragg teaches a laundry bleaching and detergent compositions comprising a peroxygen bleaching agent and a catalyst system comprising a heavy metal cation of defined bleach catalytic activity, particularly copper, iron or manganese cations, an auxiliary metal cation having little or no bleach catalytic activity, particularly zinc or aluminum cations, and a sequestrant having defined stability constants for the catalytic and auxiliary metal cations, particularly ethylenediaminetetraacetic acid, ethylenediaminetetra(methylenephosphonic acid) and water-soluble salts thereof. The laundry bleaching and detergent compositions deliver improved bleach performance, particularly at medium to high wash temperatures. See abstract. Also, Bragg teaches suitable magnesium salts include magnesium sulfate, magnesium sulfate heptahydrate, magnesium chloride, magnesium chloride hexahydrate, magnesium fluoride and magnesium acetate. Desirably, the magnesium

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salt is added to the compositions as part of the aqueous slurry crutcher mix and is then converted to dry granular form, for instance by spray drying. The magnesium salt can provide additional low temperature stain removal benefits. See col.11, ln.55-65. Bragg teaches examples of suitable organic alkaline detergency builder salts are water-soluble polycarboxylates such as the salts of nitrilotriacetic acid, lactic acid, glycollic acid, and citric acid. Bragg teaches that the laundry compositions contain from about 5% to about 90% of detergency builder. See col.11, ln. 4-30. Bragg teaches suitable sequestrants such as ethylenediaminetetraacetic acid (EDTA), diethylenetriaminepentaacetic acid (DETPA), ethylene-diaminetetra(methylenephosphonic acid) (EDTMP), diethylenetriaminepenta(methylenephosphonic acid) (DETPMP) and alkali metal and alkaline earth metal salts thereof. Other suitable phosphonate sequestrants include aminotrimethylene phosphonic acid (NTMP) and ethane-1-hydroxy-1,1-diphosphonic acid (EHDP) and their salts. A mixture of EDTA and/or DETPA with EDTMP and/or DETPMP in a molar ratio of from about 1:10 to about 10:1, preferably from about 1:1 to about 5:1 is especially suitable. See col.7, ln.4-34, example I and claim 1. Bragg teaches, that the composition can be supplemented by all manner of detergent components, either by including such components in the aqueous slurry to be dried or by admixing such components with the compositions of the invention following the dry step. Soil-suspending agents at about 0.1% to 10% by weight such as water-soluble salts of carboxymethyl-cellulose, carboxyhydroxymethyl cellulose, and polyethylene glycols having a molecular weight of about 400 to 10,000 are common components of the present invention. Dyes, pigment optical brighteners, and perfumes can be added in

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varying amounts as desired. Other materials such as fluorescers, enzymes in minor amounts, anti-caking agents such as sodium sulfosuccinate, and sodium benzoate can also be added. See col.12, ln.5-10. Bragg teaches the utility of fatty alcohols (eg hydrogenated tallow alcohol) having from about 10 to 100, preferably 14 to 40, ethylene oxide units, polyethyleneglycols having a molecular weight of from 400 to 40,000, preferably from 1500 to 10,000, and mixtures thereof in a weight ratio of from about 10:1 to about 1:2. Other suitable components of the agglomerates include polydimethylsiloxanes, paraffin oils, paraffin waxes, micro-crystalline waxes, hydrophobic silica etc. The catalytic heavy metal cation and carrier can then be agglomerated with water-soluble salt material. See col.4, ln.15-25.

However, Bragg does not specifically teach a pretreatment composition comprising at least 90% water as recited by the instant claims.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made to formulate a composition comprising at least 90% water as recited by the instant claims, because the teachings of Bragg suggest a laundry detergent composition comprising water in general. Please see examples I-XI. Furthermore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use the composition as a pretreatment composition, since Bragg suggests the utility of the composition as a bleaching composition in general and it is well within the skill of one of ordinary skill in the art to pretreat material for improved whiteness and bleaching effect.

Allowable Subject Matter

9. Claims 31-32 are allowed. The following is a statement of reasons for the indication of allowable subject matter: Claims 31-32 are allowable upon consideration of applicants' information disclosure statement and consideration of the prior art. The prior art most pertinent to the instant claims is Bragg (US 4,430,243). The instant claim is drawn to a composition comprising an activating compound formed of a mixture of urea and copper gluconate. Bragg does not specifically teach the claimed composition comprising an activating compound formed of a mixture of urea and copper gluconate and it would not have been obvious to one of ordinary skill in the art to treat the textile with a composition comprising an activating compound formed of a mixture of urea and copper gluconate, since the prior art teaches a peroxygen bleaching agent and a catalyst system comprising a heavy metal cation of defined bleach catalytic activity, particularly copper cations, an auxiliary metal cation having little or no bleach catalytic activity, particularly zinc or aluminum cations, and a sequestrant. None of the prior art of record specifically teach or suggest the claimed composition comprising an activating compound formed of a mixture of urea and copper gluconate.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 703-308-4708. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

Preeti Kumar
Examiner
Art Unit 1751

PK

Lorna M. Douyon
LORNA M. DOUYON
PRIMARY EXAMINER